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**The Law Offices of
Steven McHugh LLC**
An Intellectual Property Law Firm

Docket No.: ISI-2317



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Smith Et Al.

EXAMINER: Upton, Christopher

PATENT NO: 6,991,734

ISSUE DATE: January 31, 2006

APPLICATION SERIAL NO: 10/813,887 **ART UNIT:** 1724

FILED: March 31, 2004

FOR: SOLIDS RETENTION IN STORMWATER SYSTEM

Attention Certificate of Corrections Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**Certificate
JUL 18 2006
of Correction**

CERTIFICATE OF CORRECTION UNDER 37 C.F.R. 1.322

Sir:

The Applicant hereby requests that the above reference United States Patent be corrected to reflect changes made in an August 12, 2005 amendment agreed to by Primary Examiner Christopher Upton and Applicant's Attorney. The Applicant hereby asserts that these corrections are necessary due to a mistake of the Patent Office.

Specifically, During an August 12, 2005 teleconference between Primary Examiner Christopher Upton and Applicant's Attorney Charles G. Nessler, both parties agreed that certain amendments (shown herein on PTO Form PTO/SB/44) to the claims and specification would be entered into record via an Examiner's Amendment thereby placing the above referenced application in condition for allowance. This agreement was confirmed by Primary Examiner

JUL 19 2006



**The Law Offices of
Steven McHugh LLC**

Christopher Upton in the Notice of Allowability dated October 11, 2005, as evidenced by the attached copy of said Notice of Allowability.

Upon review of the allowed Patent (US 6,991,734), it was discovered that the amendments agreed to and made by the Examiner's Amendment were not entered into the allowed Patent. Accordingly, correction of the above reference Patent (US 6,991,734) is hereby requested to reflect said amendments. In light of the above, early and favorable action is hereby solicited.

If you have any questions or if you need any more information, please feel free to contact my office at any time. Best regards.

Respectfully submitted,

Steven M. McHugh, Esq.
USPTO Reg. No. 47,784
Attorney for the Applicant

JUL 19 2006

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

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PATENT NO. : 6,991,734

APPLICATION NO.: 10/813,887

ISSUE DATE : 01/31/2006

INVENTOR(S) : Jonathan F. Smith; Bryan A. Coppes

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Please correct the following:

In the Claims:

- In Claim 19, line 3, after "chambers", please enter -- having perforated walls --.
- In Claim 19, line 7, please change "array" to -- permeable media --.
- In Claim 20, please change the dependency of Claim 20 to -- 21 --.
- In Claim 21, line 1, please change "comprised" to -- comprises --.
- In Claim 22, line 2, prior to "chambers", please insert -- solids retention subsystem --.
- In Claim 28, line 3, after "stormwater", please insert -- directly --.
- In Claim 35, line 7, after "chambers", please insert -- having perforated walls --.
- In Claim 37, line 7, after "chambers", please insert -- having perforated walls --.

In the Specification:

In the Specification, prior to line 1, please insert -- This application claims the benefit of U.S. Provisional Application 60/459,478, filed April 4, 2003. --

In the Specification, page 5, line 1, please change "percolation" to -- percolates --.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

The Law Offices of Steven McHugh, LLC
46 Washington Street
Middletown, CT 06457

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

JUL 19 2006

Notice of Allowability



Application No.

10/813,887

Examiner

Christopher Upton

Applicant(s)

SMITH ET AL.

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 19-38.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

CHRISTOPHER UPTON
PRIMARY EXAMINER

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Charles Nessler on August 12, 2005.

The application has been amended as follows:

In claim 19, line 3, after "chambers", -- having perforated walls - has been inserted.

In claim 19, line 7, "array" has been changed to - permeable media --.

The dependency of claim 20 has been changed to - 21 --.

In claim 21, line 1, "comprised" has been changed to -comprises --.

In claim 22, line 2, prior to "chambers", -- solids retention subsystem - has been inserted.

In claim 28, line 3, after "stormwater", -- directly - has been inserted.

In claim 35, line 7, after "chambers", -- having perforated walls - has been inserted.

In claim 37, line 7, after "chambers", -- having perforated walls - has been inserted.

In the specification, prior to line 1, --This application claims the benefit of U.S. Provisional Application 60/459,478, filed April 4, 2003. - has been inserted.

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In the specification, page 5, line 1, "percolation" has been changed to
- percolates --.

The following is an examiner's statement of reasons for allowance: The recitation of a method and apparatus for handling stormwater comprising a solids retention subsystem buried within a permeable media for receiving stormwater, removing solids from stormwater by settling and filtration, and discharging the stormwater to the permeable media, with an array of chambers with perforated walls spaced apart from the solids retention subsystem buried within the permeable media for receiving and discharging the stormwater patentably distinguishes over the prior art of record. The closest prior art or record, as exemplified by Tipton, Sipaila, Sullivan, and Heine, discloses direct discharge from a solids removal device to an array for discharging the water without first being discharged to a permeable media. DiTullio discloses a combined underground filtration and discharging device, but does not have a separate spaced apart array of chambers for receiving and discharging the water. Other references disclosing features of interest include Presby and Seefert, which disclose drainage structures; Hurley, which discloses a system for receiving and discharging drainage; and Pank and Greene, which disclose stormwater collection, treatment and discharge systems with bypasses.

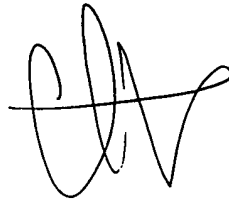
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

A handwritten signature in black ink, appearing to be 'CU' or similar, written in a cursive style.

CHRISTOPHER UPTON
PRIMARY EXAMINER